

SO ORDERED.



TIFFANY & BOSCO
P.A.

Dated: September 03, 2010

2525 EAST CAMELBACK ROAD

SUITE 300

PHOENIX, ARIZONA 85016

TELEPHONE: (602) 255-6000

FACSIMILE: (602) 255-0192



CHARLES G. CASE, II
U.S. Bankruptcy Judge

Mark S. Bosco
State Bar No. 010167
Leonard J. McDonald
State Bar No. 014228
Attorneys for Movant

10-16431

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:

No. 2:10-bk-13342-CGC

Michael E. Gowens, Sr.
Debtor.

Chapter 13

ORDER

The Bank of New York Mellon, fka The Bank of
New York as Successor in interest to JP Morgan
Chase Bank NA as Trustee for Structured Asset
Mortgage Investments II Inc. Bear Stearns Alt-A
Trust 2004-12, Mortgage Pass-Through
Certificates, Series 2004-12

(Related to Docket #38)

Movant,
vs.

Michael E. Gowens, Sr., Debtor, Russell A. Brown,
Trustee.

Respondents.

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefore,

IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real property
2 which is the subject of a Deed of Trust dated August 20, 2004 and recorded in the office of the Maricopa
3 County Recorder wherein The Bank of New York Mellon, fka The Bank of New York as Successor in
4 interest to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc.
5 Bear Stearns Alt-A Trust 2004-12, Mortgage Pass-Through Certificates, Series 2004-12 is the current
6 beneficiary and Michael E. Gowens, Sr. has an interest in, further described as:
7

8 LOT 147, OF STONEHENGE - GILBERT, ACCORDING TO THE PLAT OF RECORD IN
9 THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY ARIZONA,
10 RECORDED IN BOOK 401 OF MAPS PAGE 33 AND RESOLUTION NO. 1933
11 REGARDING STREET NAME CHANGE RECORDED AS 98-597837 AND RESOLUTION
12 NO. 2301, REGARDING STREET NAME CHANGE RECORDED AS 2001-1182165, OF
13 OFFICIAL RECORDS.

14 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written
15 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
16 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
17 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
18 Debtors if Debtors' personal liability is discharged in this bankruptcy case.
19

20 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
21 to which the Debtor may convert.
22
23
24
25
26